

**United States Court of Appeals
For the First Circuit**

CA:04-12522
J. Young

No. 05-1179

MANDATE

LUIS BELTRAN,
Petitioner, Appellant,

v.

UNITED STATES,
Respondent, Appellee.

JUDGMENT

Entered: July 20, 2005

By notices issued June 8, 2005 and June 28, 2005, appellant was notified that he was in default for failure to file an opening brief. Appellant was warned that unless he filed a brief by July 12, 2005, his appeal would be dismissed for lack of diligent prosecution.

Appellant having failed to file a brief, it is hereby ordered that the above-captioned appeal be dismissed in accordance with Loc. R. 45(a) and 3(b).

By the Court:

**Certified and Issued as Mandate
under Fed. R. App. P. 41.**

Richard Cushing Donovan, Clerk

Richard Cushing Donovan, Clerk

Linda Barry
Deputy Clerk

By: MARGARET CARTER
Chief Deputy Clerk.

Date: OCT 19 2005

[cc: Messrs: Beltran, Sullivan, McNeil and Ms. Chaitowitz]